IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1149 OF 2006

Shiv Jyoti Sahakari Patpedi Maryadit..Petitioner

versus

1. Ravindra Shrirang Jadhav & ors..Respondents

Mr.S.A.Pawar for Petitioner

Mr.S.A.Sawant for Respondent no.1

Mr.R.M.Patne, Assistant Government Pleader for Respondent no.6

CORAM : D.G.KARNIK, J

DATED : 27th February, 2006

P.C.

1. Heard learned counsel for the petitioner and respondent nos. 1 and 6. The petitioner is a co-operative credit society. According to it, it advanced a loan to the respondent no. 1 and on account of the alleged non payment of the loan filed an application under section 101 of the Maharashtra Cooperative Societies Act,1960 to the Assistant Registrar for issuance of a recovery certificate. The contentions of the respondent no. 1 was that he had not borrowed the money. He contended that by showing the loan being advanced to the petitioner, the amount was credited to the account of Mrs. Jadhav who was agent of the

petitioner-society and owed certain money to the petitioner. The Assistant Registrar found the defence to be probable and found that the money was not advanced to the petitioner but was credited to the account of Mrs.Jadhav, agent of the society. Revision application before the Divisional Joint Registrar by the petitioner-society was dismissed.

2. Proceedings under section 101 of the Maharashtra Cooperative Societies, Act 1960 are summary proceedings. After holding the summary proceedings, the Assistant Registrar came to the conclusion that advancement of the loan was not proved and hence certificate under section 101 cannot be granted. This is a finding of fact which is confirmed in revision and is not shown to be perverse. In the circumstances, interference in writ jurisdiction is not called for. Needless to say that the petitioner is entitled to take appropriate steps for recovery by regular proceedings under section 91 of the Maharashtra Cooperative Societies Act. With this observation the petition is rejected summarily.

(D.G.KARNIK, J)

rng.